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Tuesday, August 01, 2017

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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1 — San Antonio given another year to get air pollution under threshold set by EPA, KSAT, 7/31/2017

<https://www.ksat.com/weather/environment/san-antonio-given-another-year-to-get-air-pollution-under-threshold-set-by-epa>

The Environmental Protection Agency has extended its deadline in order for San Antonio to improve its air quality. In 2018, San Antonio could potentially receive non-attainment status from the government, should ozone levels not drop. For that reason, a campaign is underway by the Alamo Area Council of Governments to improve air quality. Also standing with AACOG is Krystal Henagan, who heads up the Texas chapter of the Moms Clean Air Force in Texas. According to Henagan, her asthmatic son suffers on days when pollution is high.

2 West Texas groundwater site added to federal Superfund list, News 10, 7/31/2017

<http://www.newschannel10.com/story/36012683/west-texas-groundwater-site-added-to-federal-superfund-list>

The U.S. Environmental Protection Agency has given a West Texas site a federal Superfund designation marking it as one of the most hazardous waste sites in the country. The EPA said in a statement Monday that a portion of the Santa Rosa Aquifer in Kermit has been added to the Superfund program's National Priorities List. The aquifer in the city west of Odessa has a contaminated groundwater plume a mile long and 1.5 miles wide.

3 — EPA: Louisiana Creosote Site Should Go on Superfund List, US News, 7/31/2017

<https://www.usnews.com/news/best-states/louisiana/articles/2017-07-31/epa-louisiana-creosote-site-should-go-on-superfund-list>

The U.S. Environmental Protection Agency says a Louisiana site contaminated with creosote should be added to the Superfund list of the nation's most contaminated sites. The American Creosote site is south of DeRidder in Beauregard Parish. The Louisiana Department of Environmental Quality says it was a timber treatment operation for the first half of the 20th century.

4 — Louisiana's Cancer Alley Residents Sue Chemical Plant for Nearly 50 Years of Air Pollution, Truth Out, 8/1/2017

<http://www.truth-out.org/news/item/41453-louisiana-s-cancer-alley-residents-sue-chemical-plant-for-nearly-50-years-of-air-pollution>

If you drive along one of the main streets in Louisiana's St. John the Baptist Parish, you may encounter a large sign warning about chloroprene in the air. These signs let people know that chemical emissions from the nearby DuPont facility, now owned by Denka, can greatly increase the risk of cancer for those who live around it.

5 — New St. John water plant expected to bring cleaner water to Pleasure Bend residents, NOLA Advocate, 7/31/2017

http://www.theadvocate.com/new_orleans/news/environment/article_3ad6b81c-7633-11e7-a008-6bcf1780c74d.html

St. John the Baptist Parish is moving ahead with plans for a treatment plant intended to bring more reliable drinking water to some of the parish's rural residents. The Parish Council has authorized Parish President Natalie Robottom to open bids for construction of the facility in Pleasure Bend, an unincorporated area with about 250 residents at last

count. Right now, the area gets its water from St. James Parish under an arrangement that will end after the new plant opens.

6 EPA: Oklahoma property among nation's most contaminated, San Fran Chron, 7/31/2017

<http://www.sfchronicle.com/news/article/EPA-Oklahoma-property-among-nation-s-most-11720718.php>

The U.S. Environmental Protection Agency is proposing to add a property in central Oklahoma to the Superfund program's list of most contaminated sites. The EPA announced Monday its intent to add Eagle Industries in the Oklahoma City suburb of Midwest City to the National Priorities List, which identifies sites that threaten the public health and environment. The Eagle Industries property was an inspection and repair facility for fire extinguisher systems used on aircrafts.

7— Editorial: Citizens should welcome EPA changes, Oklahoman, 8/1/17

<http://newsok.com/article/5558350>

ONE sign former Oklahoma Attorney General Scott Pruitt is making much-needed change as head of the Environmental Protection Agency is the level of hysteria he inspires from the radical left. Consider a recent Rolling Stone article claiming Pruitt had “alienated” EPA bureaucrats by discussing “the importance of civility and how ‘regulators exist to give certainty to those that they regulate.’” Supposedly, this left EPA hacks routinely “crying at their desks.”

8 — Court tells EPA to enforce Obama methane pollution rule, Hill, 7/31/17

<http://thehill.com/policy/energy-environment/344705-court-tells-epa-to-enforce-obama-methane-pollution-rule>

A federal court told the Environmental Protection Agency (EPA) Monday that it has to enforce an Obama administration methane pollution rule. The order from Court of Appeals for the District of Columbia Circuit came after the judges gave the agency a two-week reprieve from its ruling earlier in July that the EPA broke the law when it tried to delay enforcement earlier.

9 — Environmental groups sue government over vehicle emissions, Seattle Times, 7/31/17

<http://www.seattletimes.com/nation-world/environmental-groups-sue-government-over-vehicle-emissions/>

Environmental groups that say they’re seeking to restore clean air standards for vehicles on the nation’s highways have sued the federal government in New York. The Natural Resources Defense Council, the U.S. Public Interest Research Group and Clean Air Carolina sued the Department of Transportation and the Federal Highway Administration on Monday, saying a federal safeguard meant to reduce climate-changing emissions was abruptly withdrawn in May.

10 OPINION: Voluntary nutrient pollution cuts are failing to shrink algae blooms, dead zones, Times Picayune, 7/31/17

http://www.nola.com/environment/index.ssf/2017/08/voluntary_steps_on_nutrient_po.html#incart_river_index

Summer is the season for harmful algae blooms in many U.S. lakes and bays. They occur when water bodies become overloaded with nitrogen and phosphorus from farms, water treatment plants and other sources. Warm water and lots of nutrients promote rapid growth of algae that can be toxic and potentially fatal to aquatic life and people.

11 — Money sought to extend 9,000-foot rock jetty in Lake Pontchartrain: report, Times Picayune, 8/1/17

http://www.nola.com/environment/index.ssf/2017/08/tangipahoa_parish_seeks_fundin.html#incart_river_index

Tangipahoa Parish officials say a 9,000 foot rock jetty along the shoreline of Lake Pontchartrain is rebuilding coastal marsh. Happy with the results, officials want to extend the jetty by 5,500 feet, the Hammond Daily Star reported. The parish will seek \$3 to \$4 million from the state's Coastal Protection and Restoration Authority for the project. The parish plans to contribute \$400,000 of its own funds toward extending the jetty.

12 — Earth set to warm 2 degrees Celsius by end of century, studies say, Times Picayune, 7/31/17

[http://www.nola.com/environment/index.ssf/2017/07/earth set to warm 2 degrees ce.html#incart river index](http://www.nola.com/environment/index.ssf/2017/07/earth-set-to-warm-2-degrees-ce.html#incart_river_index)

The earth's temperature could rise to more than 2 degrees Celsius, or 3.6 degrees Fahrenheit by the end of the century. CNN reports that two different studies in the journal, Nature Climate Change, came to the conclusion on the rise in global temperature using two completely different methods.

13 Judge denies ExxonMobil request to reduce \$20 million air pollution fine, Texas Tribune, 7/31/17

<https://www.texastribune.org/2017/07/31/judge-denies-exxonmobil-request-reduce-20-million-air-pollution-fine/>

U.S. District Judge David Hittner slapped the the energy giant with a \$19.95 million penalty in April for spewing millions of pounds of hazardous pollutants from a Houston-area industrial complex.

14 Court allows EPA 2-month freeze in Ark. haze suit, Greenwire, 7/31/2017

<https://www.eenews.net/greenwire/2017/07/31/stories/1060058154>

A federal appellate court has granted U.S. EPA's request for a two-month hold on litigation surrounding a haze reduction plan for Arkansas, but with a warning that it will not look favorably on future delays. The 8th U.S. Circuit Court of Appeals issued the two-sentence ruling this morning, a week after EPA — allied with power producers and Arkansas Attorney General Leslie Rutledge (R) — sought the freeze in hopes of letting settlement talks advance (Greenwire, July 25).

15 EPA proposes adding old timber treatment site near DeRidder to Superfund list, Advocate, 7/31/2017

http://www.theadvocate.com/baton_rouge/news/environment/article_70d4ec7e-7604-11e7-8629-57ce7605763e.html

The U.S. Environmental Protection Agency on Monday proposed adding a site near DeRidder in Beauregard Parish to the Superfund list. The area was once used to treat timber with creosote preservatives. Creosote, which is also used as a pesticide, has been linked to skin blistering, eye burning, stomach pains, and damage to the liver and kidneys, according to the federal Agency for Toxic Substances and Disease Registry.

16 Why some are worried Baton Rouge's post-flood rebuilding process will come back to haunt city-parish, Advocate, 7/31/2017

http://www.theadvocate.com/baton_rouge/news/environment/article_fe2b7886-6268-11e7-8840-cbb2430f98ac.html

As reconstruction began after the August floods, one of the most pressing tasks was determining which property owners, under federal flood insurance program rules, would have to elevate damaged homes. After the flood, FEMA quickly sent in assessment teams that estimated the number of homes "substantially damaged." In Baton Rouge and the unincorporated parts of the parish, FEMA counted approximately 3,250 such properties.

17 PSO wants quick approval from Oklahoma regulators on \$4.5 billion wind, transmission project, Oklahoman, 7/1/2017

<http://newsok.com/psa-wants-quick-approval-from-oklahoma-regulators-on-4.5-billion-wind-transmission-project/article/5558392>

A \$4.5 billion wind farm and transmission line announced last week by Public Service Co. of Oklahoma and a sister utility needs a quick answer from Oklahoma regulators so the project can fully qualify for federal tax credits for renewable energy.

18 Residents sue Formosa for polluting bays, Advocate, 7/31/17

<https://www.victoriaadvocate.com/news/2017/jul/31/residents-sue-formosa-for-polluting-bays/>

Residents sued Formosa on Monday to force it to comply with the Clean Water Act. They say Formosa is discharging plastic into waterways and it has been found in fish guts.

8/1/2017

San Antonio given another year to get air pollution under...

ENVIRONMENT [[HTTPS://WWW.KSAT.COM/GREEN-LIVING](https://www.ksat.com/green-living)]

San Antonio given another year to get air pollution under threshold set by EPA

City has to get levels under 70 parts per billion

By Justin Horne [<https://www.ksat.com/author/jhorne>] - Weather Authority Meteorologist/Reporter

Posted: 2:53 PM, July 31, 2017

Updated: 2:58 PM, July 31, 2017

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SAN ANTONIO [<https://www.ksat.com/topic/San-Antonio?entityid=48704&lang=en>] - The Environmental Protection Agency [<https://www.ksat.com/topic/Environmental-Protection-Agency?entityid=43942&lang=en>] has extended its deadline in order for San Antonio to improve its air quality. In 2018, San Antonio could potentially receive non-attainment status from the government, should ozone levels not drop.

For that reason, a campaign is underway by the Alamo Area Council of Governments [<https://www.ksat.com/topic/Alamo-Area-Council-of-Governments?entityid=4203354817&lang=en>] to improve air quality. Also standing with AACOG is Krystal Henagan, who heads up the Texas chapter of the Moms Clean Air Force in Texas. According to Henagan, her asthmatic son suffers on days when pollution is high.

"He's very sensitive to air pollution and he's missed school because of it," Henagan said.

"I have to take my medicine a lot, and I have to stay inside," Tanner Henagan, 8, said. "Whenever you stay inside, it's not that fun."

Tanner Henagan is not alone, with asthma cases in significant numbers across the San Antonio area.

"We know that ozone makes asthma worse," Krystal Henagan said.

While the Alamo City currently ranks better than other large cities in Texas, area ozone levels, averaged over a three-year period, are just above the cutoff of 70 parts per billion as set by the EPA. Those levels are measured by sensors around the city. Should the average not drop below that mark in 2018, non-attainment status could come at a price.

RELATED: City ozone levels violating federal air standards
[<https://www.ksat.com/news/city-ozone-levels-violating-federal-air-standards>]

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"AACOG recently did a study and found that it will cost over \$1 billion every year due to project delays, road construction costs and lost business," said Lily Lowder, with AACOG.

Lowder said people might not notice the costs at first, but they would get passed down eventually. As a result, AACOG is asking residents to think about air pollution by making a few changes.

"Driving less. Conserving their fuel. Keeping their vehicle properly maintained, and also reducing and avoiding traffic delays," Lowder said.

According to statistics, ozone levels peak in the spring and fall, especially following weak frontal boundary passages. The largest contributor of ozone in the San Antonio area is point sources, such as coal plants, which account for 39 percent of the pollution. Meanwhile, traffic reportedly accounts for 30 percent of the ozone concentrations in the Alamo City.

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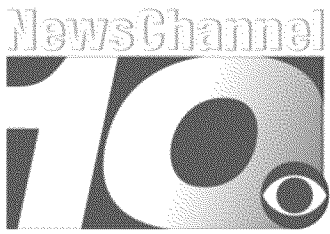
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West Texas groundwater site added to federal Superfund list

Published: Monday, July 31st 2017, 12:45 pm CDT

Updated: Monday, July 31st 2017, 12:45 pm CDT

KERMIT, Texas (AP) - The U.S. Environmental Protection Agency has given a West Texas site a federal Superfund designation marking it as one of the most hazardous waste sites in the country.

The EPA said in a statement Monday that a portion of the Santa Rosa Aquifer in Kermit has been added to the Superfund program's National Priorities List.

The aquifer in the city west of Odessa has a contaminated groundwater plume a mile long and 1.5 miles wide.

Local officials first detected trichloroethene, an industrial solvent, in 1990. Tetrachloroethene, widely used to dry-clean fabrics, was detected in 2000.

Federal authorities claim the source of the contamination is not known.

Kermit treats the drinking water prior to releasing it to more than 5,700 customers.

There are more than 1,300 Superfund sites in the country.

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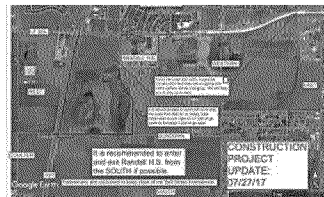
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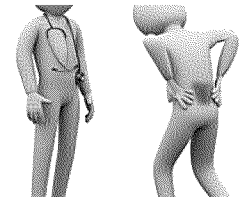


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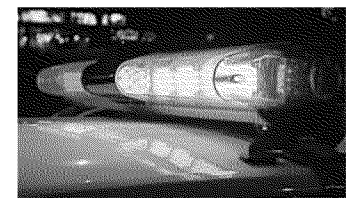
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EPA: Louisiana Creosote Site Should Go on Superfund List

The US Environmental Protection Agency says a Louisiana site contaminated with creosote should be added to the Superfund list of the nation's most contaminated sites.

July 31, 2017, at 12:39 p.m.

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DERIDDER, La. (AP) — The U.S. Environmental Protection Agency says a Louisiana site contaminated with creosote should be added to the Superfund list of the nation's most contaminated sites.

The American Creosote site is south of DeRidder in Beauregard Parish. The Louisiana Department of Environmental Quality says it was a timber treatment operation for the first half of the 20th century.

A news release Monday says EPA has proposed adding it to the list.

The Superfund program cleans sites highly contaminated with hazardous waste. More than 1,300 sites are prioritized nationally for cleanup.

State environmental quality secretary Chuck Carr Brown says his agency is happy to join EPA in adding the site to the list. He says it is just one of many that need immediate attention.

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Gov. Scott Walker says Wisconsin lured electronics giant Foxconn to the state even though others offered the company more money.

Company Blamed for Outer Banks Power Outage Facing Lawsuits (<https://www.usnews.com/news/us/articles/2017-08-01/company-blamed-for-outer-banks-power-outage-facing-lawsuits?int=news-rec>)

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Lawsuits led against construction company blamed for power outage on North Carolina's Outer Banks, forcing visitors off beaches and leaving tourist-dependent businesses without income.

Authorities Pull Body From Yellowstone River Near Worden (<https://www.usnews.com/news/best-states/montana/articles/2017-08-01/authorities-pull-body-from-yellowstone-river-near-worden?int=news-rec>)

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Authorities say they pulled a body from the Yellowstone River near Worden.

Charge: Man Hid Girlfriend in Freezer, Lived With Impostor (<https://www.usnews.com/news/best-states/ohio/articles/2017-08-01/charge-man-hid-girlfriend-in-freezer-lived-with-impostor?int=news-rec>)

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An Ohio prosecutor alleges a man stored his girlfriend's body in a freezer while another woman helped him and assumed the dead woman's life by moving into her home, using her credit cards and caring for her dog.

Ex-Wyoming Superintendent's Defamation Lawsuit Dismissed (<https://www.usnews.com/news/best-states/wyoming/articles/2017-08-01/ex-wyoming-superintendents-defamation-lawsuit-dismissed?int=news-rec>)

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A judge has dismissed a lawsuit led by Wyoming's former superintendent, who claimed a Casper lawmaker defamed her in a Facebook post.

Officials Back Plan That Would End Indiana State Fair Train (<https://www.usnews.com/news/best-states/indiana/articles/2017-08-01/officials-back-plan-that-would-end-indiana-state-fair-train?int=news-rec>)

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Officials have picked a new operator for a portion of a central Indiana rail line in a step that would permanently end the longtime Indiana State Fair Train.

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Pistol-Packing Bride Arrested for Pointing Gun at Groom (<https://www.usnews.com/news/best-states/tennessee/articles/2017-08-01/pistol-packing-bride-arrested-for-pointing-gun-at-groom?int=news-rec>)

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A Tennessee bride was arrested hours after saying "I do" after authorities say she pointed a gun at her groom.

Ohio Will Withhold More of E-School's Funding Amid Dispute (<https://www.usnews.com/news/best-states/ohio/articles/2017-08-01/ohio-will-withhold-more-of-e-schools-funding-amid-dispute?int=news-rec>)

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Some state funding for one of the nation's largest online charter schools will be held in escrow amid questions about whether the Ohio school is getting funding for more students than it actually has.

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Louisiana's Cancer Alley Residents Sue Chemical Plant for Nearly 50 Years of Air Pollution

Tuesday, August 01, 2017

By Julie Dermansky (/author/itemlist/user/48545), DeSmogBlog (<https://www.desmogblog.com/2017/07/27/louisiana-cancer-alley-sue-denka-dupont-chemical-plant-50-years-air-pollution>) | Report

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Robert Taylor with members of the Concerned Citizens of St. John installing a sign made by LEAN on July 16. (Photo: Julie Dermansky)

If you drive along one of the main streets in Louisiana's St. John the Baptist Parish, you may encounter a large sign warning about chloroprene in the air. These signs let people know that chemical emissions from the nearby DuPont facility, now owned by Denka, can greatly increase the risk of cancer for those who live around it.

"We are being killed by chemicals that the state is allowing Denka and DuPont to pollute our air with," Robert Taylor, founder of Concerned Citizens of St. John, told me while the group posted the signs. "Putting up signs is one of the steps we are taking, so that later no one can say they didn't know we are being poisoned."

Taylor, a 76-year-old retired general contractor, is one of 13 plaintiffs suing Denka Performance Elastomer and E.I. du Pont de Nemours (DuPont) (http://www.theadvocate.com/new_orleans/news/environment/article_ba9e53ca-602b-11e7-bd29-77c350123a4a.html), the companies responsible for the chloroprene emissions fouling the air in LaPlace and nearby towns for 48 years. The plant is located along the Mississippi River on a stretch of land between New Orleans and Baton Rouge known as Cancer Alley.



Cows roaming in a field next to the Denka Performance Elastomer plant in LaPlace, Louisiana. (Photo: Julie Dermansky)

to-denka-performance-elastomer.html), though DuPont still owns some of the land.

Another plaintiff in this class action lawsuit (<https://www.desmogblog.com/sites/beta.desmogblog.com/files/denka-legal-petition-062917.pdf>) [PDF, 29 MB] filed June 29 is Kellie Taub, a member of the concerned citizens group. She has lived in the town of Reserve for 25 years, and is a lung cancer survivor who developed a rapid heartbeat, a condition associated with chloroprene exposure.



Kellie Taub monitoring her blood pressure and pulse, which she does several times a day due to her rapid heartbeat, at her home in Reserve, Louisiana. (Photo: Julie Dermansky)

Taub is concerned not only about the well-being of herself and her neighbors. She showed me the pet cemetery in her backyard. There lie three cats and two dogs, all dead of cancer in the last 12 years. Her last remaining pet, an elderly dog, likely has cancer as well, Taub told me. Though she'd like to adopt new pets, she doesn't want to force any animals to suffer the same health consequences as her.

Health Costs of Chloroprene

The US Environmental Protection Agency's (EPA) Integrated Risk Information System (IRIS) division (<https://www.epa.gov/iris>), which evaluates the toxicity of chemicals, classified chloroprene as a likely human carcinogen in a 2010 review (https://cfpub.epa.gov/ncea/iris/iris_documents/documents/toxreviews/1021tr.pdf). The agency determined (<https://www.epa.gov/la/laplace-louisiana-frequent-questions%23health-risk>) that short-term exposure to high levels of chloroprene can cause headaches, dizziness, respiratory irritation, chest pains, hair loss, gastrointestinal disorders, rashes, corneal damage, and fatigue.

The EPA also cited studies (https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/1021_summary.pdf) suggesting chloroprene causes an increased risk of lung, liver, and kidney cancers, as well as leukemia and immune-system problems.

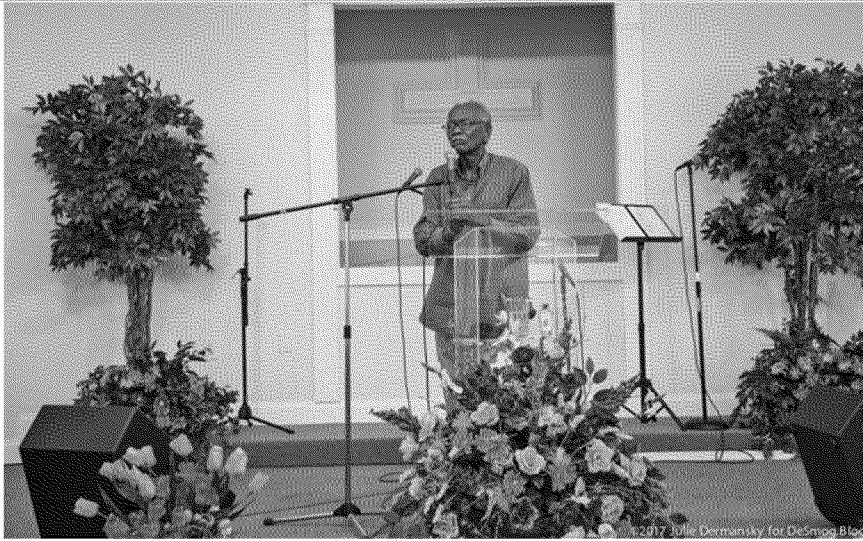
The EPA's IRIS division deems 0.2 micrograms per cubic meter the acceptable standard for chloroprene emissions, one that represents the agency's "upper limit of acceptability" (<https://archive.epa.gov/nata2002/web/html/natafaq.html>). EPA emissions limits are determined with the goal of keeping the cancer risk from air pollution to less than one for every million people. When that goal is not achievable, the agency sets standards based on the "upper limit of acceptability," which is a risk of 100 in a million people.

According to the EPA's 2015 National Air Toxics Assessment (<https://www.epa.gov/national-air-toxics-assessment/2011-national-air-toxics-assessment>), which assesses air contaminants and estimates health risks, the area around the Denka plant (<https://gispub.epa.gov/NATA/>) received the dubious distinction of having the nation's highest risk of cancer caused by air pollution, tied to chloroprene emissions.

When Taylor learned about the findings, he started meeting with the Louisiana Environmental Action Network (LEAN) (<https://leanweb.org>), an environmental advocacy group that helps communities threatened by industrial pollution. LEAN helped Taylor form the local citizens group.

"We are fighting for our lives, and our children's lives," Taylor said. "We knew something wasn't right here, and now with the EPA's report, our suspicions have been justified."

The EPA assessment found that chloroprene emissions were up to 776 times greater than the agency's recommended standard for the census tract closest to the neoprene plant.



Robert Taylor at a Concerned Citizens of St. Johns meeting at the Tchoupitoulas Chapel in Reserve, Louisiana, on June 27. (Photo: Julie Dermansky)

Lawsuit Says Proposed Emission Cuts Not Enough

Following the latest EPA report, the Louisiana Department of Environmental Quality (LDEQ), the EPA, and Denka agreed that the company would make changes to lower chloroprene levels. Denka signed an Administrative Order on Consent on January 6 (<http://deq.louisiana.gov/news/ldeq-and-denka-sign-aoc-designed-to-reduce-chloroprene-emissions-at-laplace-facility>) outlining the company's voluntary commitment to reduce chloroprene emissions by 85 percent.

Taylor and the citizens group don't believe those measures go far enough. LEAN concurs. Even if Denka's measures are successful in cutting emissions by that much, the resulting emissions still wouldn't meet the EPA's recommended level.

The lawsuit's priority is getting a judge to grant the community "injunctive relief," Eberhard Garrison, an attorney for the residents, told me. The suit aims to stop or reduce production at the plant until emissions can meet the EPA's standard of 0.2 micrograms per cubic meter.

The suit also asks for health monitoring for those living near the plant and seeks monetary damages for health-related problems, lost property value due to the pollution, and other related issues.

Pushback Against EPA's Assessment

But Chuck Carr Brown (<https://www.youtube.com/watch?v=wz2rtZadGKA>), head of LDEQ, has stressed that EPA's standard was "just a guidance." (<https://www.desmogblog.com/2017/04/19/st-john-baptist-parish-fight-clean-air-louisiana-cancer-alley-denka-chloroprene>) And the state agency insists there is no health emergency surrounding the plant. If there were, the LDEQ could shut down the plant.

The LDEQ doesn't plan on setting its own standard for chloroprene emissions until after the emissions reduction devices Denka agreed to install are operational, which was supposed to be at the end of 2017,

Garrison isn't overly concerned with LDEQ's stance. He isn't fighting the regulators; he is fighting the polluters, he told me. Though he doesn't doubt Denka will challenge the EPA's findings, Garrison doesn't think it will be easy for anyone to invalidate them, even under the anti-regulatory leadership of EPA chief Scott Pruitt (<https://www.desmogblog.com/scott-pruitt>).

"There is an abundance of evidence that shows chloroprene's harmful properties, including internal documents from DuPont," Garrison said. He also stressed that EPA spent years making its initial determinations.

A 2016 internal EPA memo says (<https://www.epa.gov/sites/production/files/2016-06/documents/memo-iris-chloroprene052516.pdf>) its 2010 assessment that chloroprene is "likely to be carcinogenic" to humans was based on a comprehensive review of available evidence on chloroprene toxicity.

And in 1941 DuPont's in-house toxicology unit released a report (<https://theintercept.com/document/2017/03/23/toxicity-of-chlorabutadiene/>) to the EPA detailing health problems suffered by workers exposed to chloroprene, including the same problems now experienced by those living near the plant.

exposure and community exposure that are both higher than the EPA's recommended standard.

Based on evidence like this, the recent suit alleges DuPont and Denka both knowingly subjected the community to emission levels harmful to human health.

A Company in the Crosshairs

Denka has stressed that both companies were operating the plant in compliance with its air permits (<https://www.epa.gov/la/laplace-louisiana-frequent-questions#caa-permit>), which is true. But the permitted emissions levels did not take into account the EPA's 2010 finding that chloroprene was a likely human carcinogen.

Denka's plant manager Jorge Lavastida states in a July 22 editorial (http://www.theadvocate.com/baton_rouge/opinion/letters/article_5af39112-6e39-11e7-80bd-1378d897ad2f.html) that the EPA could still change the standard recommended in its 2015 assessment, stressing that the agency called it preliminary and hadn't issued a final standard.

Denka thinks a more accurate standard for chloroprene exposure should be much higher than the EPA's initial recommendation, which the company's team of experts criticized, representatives told me by email. The company thinks a standard for exposure of "31.25 micrograms per cubic meter on a long term basis is protective of human health and the environment," and formally requested the EPA amend its findings.

Denka appears to be taking a proactive stance to ensure that standard ends up changed.

The company hired government relations firm Bracewell LLP to file a lobbying registration form (<https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=5B6D9801-7A25-431E-BA6B-B9FA355D010A&filingTypeID=1>) for it this year. The lobbyists working on Denka's behalf include a former EPA employee, Edward Krenik, along with Scott Segal, (<https://www.bracewell.com/people/scott-h-segal>) a partner at the firm who has advised the Trump administration (<http://www.npr.org/sections/health-shots/2017/06/28/534594373/u-s-air-pollution-still-kills-thousands-every-year-study-concludes>) and endorsed Scott Pruitt to head the EPA. Segal worked with Pruitt to reverse several Obama-era EPA rules, according to the Washington Post (https://www.washingtonpost.com/politics/scott-pruitt-outspoken-and-forceful-moves-to-the-center-of-power-within-the-trump-administration/2017/06/02/a1b4d298-46fa-11e7-a196-a1bb629f64cb_story.html?utm_term=.69fc429ae02f).

Past and Potential New Violations at the LaPlace Plant

EPA records indicate DuPont had to pay four fines for violations beginning with a 1976 Clean Water Act infraction (<https://echo.epa.gov/enforcement-case-report?id=06-1977-0005>). The most recent fine stemmed from a 2014 inspection concluding DuPont accidentally released (<https://echo.epa.gov/enforcement-case-report?id=06-2016-3387>) the hazardous chemical toluene (https://www.osha.gov/SLTC/toluene/health_hazards.html).

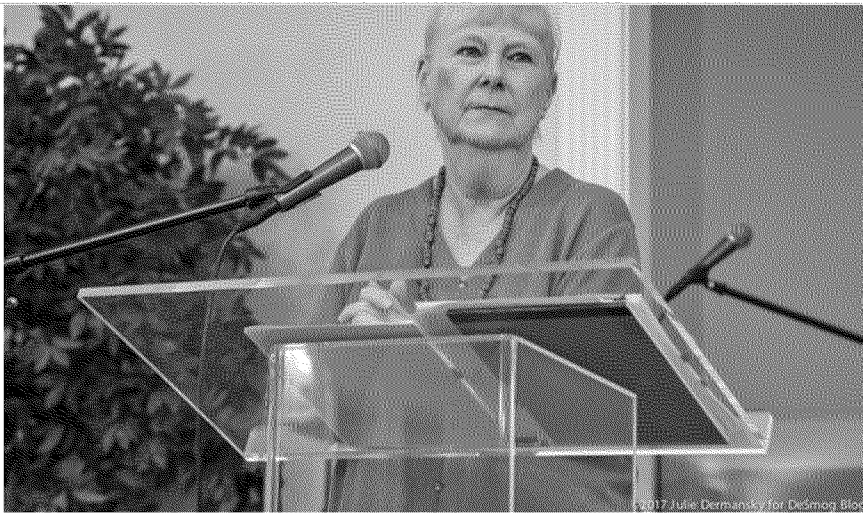
Denka, the plant's current owner, was also recently cited by the EPA for 50 possible Clean Air Act violations. The violations stem from an EPA investigation following its 2015 National Air Toxics Assessment and are spelled out in a draft report sent to the company on April 13 (<https://www.desmogblog.com/sites/beta.desmogblog.com/files/Web-Final-CBI-Redacted-NEIC-CAA-Compliance-Investigation-Denka-2016.pdf>) [PDF, 25 MB].

Denka challenged the report (http://www.theadvocate.com/new_orleans/news/environment/article_e17580e4-5050-11e7-8532-6fe7ca6e3078.html). Lavastida, the plant manager, stressed in his recent editorial (http://www.theadvocate.com/baton_rouge/opinion/letters/article_5af39112-6e39-11e7-80bd-1378d897ad2f.html) that the agency has issued no citations and its report is still being reviewed. "Denka purchased the facility only six months before the inspection," he wrote, and "has since made major improvements reflected in a voluntary Administrative Order on Consent."

Ongoing Air Testing

The administrative order mandated both that Denka and the EPA take air samples at designated locations around the plant until the new emissions reduction equipment is operational and that those results be made public.

Wilma Subra, LEAN'S technical advisor (<https://leanweb.org/uncategorized/wilma-subra/>), meets regularly with Concerned Citizens of St. John to review the results. They show that Denka's emissions have at times increased since monitoring began, with spikes hundreds of times greater than EPA's standard.



Wilma Subra at a Concerned Citizens of St. John meeting on June 27. (Photo: Julie Dermansky)

Subra analyzed the monthly air monitoring data released on July 21 (<https://www.epa.gov/la/denka-air-monitoring-summary-sheet-2>), and found that the results from the air monitoring station closest to where Taylor and most of the concerned citizens group live, registered the highest ever concentration of chloroprene on June 28.



On May 18 the Concerned Citizens of St. John raised awareness about air pollution near a school in Reserve, Louisiana, close to the monitoring location which in June showed the highest measured level of chloroprene. (Photo: Julie Dermansky)

Yet, in an email to me, the LDEQ insists chloroprene emissions show a downward trend. And Brown told the Baton Rouge Advocate that "residents shouldn't panic," noting that, "although chloroprene levels fluctuate, sometimes the site shows none at all."

State scientists have reviewed the air monitoring data and found no imminent threat to human health and the environment, Gregory Langley, LDEQ spokesperson, told me via email.

Marylee Orr with LEAN doesn't agree with state regulators, and says that LEAN believes "there is no downward trend."

The citizens group asked LDEQ to make Denka cut production until the emissions reduction devices are up and running, but Denka has not complied.

Now the group hopes its lawsuit will do what LDEQ has not done: Stop the company from emitting harmful levels of chloroprene.

"A company's right to profit has taken precedent over our communities' right to breathe clean air," Taylor told me. He likens the state allowing Denka to continue emitting air pollution at levels undoubtedly sickening his community to a crime against humanity.

The magnitude of this injustice is driving Taylor to make sure his community's voice is heard. Installing warning signs on a humid Louisiana summer day isn't how he imagined spending his golden years, but he says he has no intention of letting his friends and family be quietly poisoned.

JULIE DERMANSKY (/AUTHOR/ITEMLIST/USER/48545)

Julie Dermansky (<http://www.jsdart.com/#!/index>) is a multimedia reporter and an affiliate scholar at The Center for the Study of Genocide and Human Rights at Rutgers University. Follow her on Twitter: @jsdart (<https://twitter.com/jsdart>).

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New St. John water plant expected to bring cleaner water to Pleasure Bend residents

BY DELLA HASSELLE | DHASSELLE@THEADVOCATE.COM JUL 31, 2017 - 4:00 PM

Della Hasselle

St. John the Baptist Parish is moving ahead with plans for a treatment plant intended to bring more reliable drinking water to some of the parish's rural residents.

The Parish Council has authorized Parish President Natalie Robottom to open bids for construction of the facility in Pleasure Bend, an unincorporated area with about 250 residents at last count. Right now, the area gets its water from St. James Parish under an arrangement that will end after the new plant opens.

Officials last winter approved engineering and design services for the project, which is estimated to cost up to \$1 million. Construction is scheduled to start in October.

Story Continued Below

Officials have been looking to improve the water supply in Pleasure Bend for some time, both to cut costs and to meet water standards set by the U.S. Environmental Protection Agency.

"In addition to being excessively priced compared with revenues collected, it is not meeting all required water quality standards," Blake Fogleman, the parish's utilities director, said in November, referring to the water bought from St. James.

A 2015 Consumer Confidence Report, a water safety report prepared annually by the Louisiana Department of Health and Hospitals and published by the EPA, showed that Pleasure Bend water samples had more than the maximum allowed levels of coliform bacteria and trihalomethanes, a byproduct formed when disinfectants are used to treat drinking water.

Robottom said the new treatment facility will provide the "safest approach to supplying water" in the area.

The Pleasure Bend project is partially funded through a \$125,240 grant issued in 2016 by the state's Community Water Enrichment Fund, created by the Legislature in 2008 to help local governments provide safe drinking water. Additional funding came through a 2015 bond issue.

The latest treatment plant is among several water system projects announced for St. John in recent months as officials race to bring the parish's drinking water up to snuff.

St. John Parish asks state for \$1 million toward water supply upgrades

Robottom has said she is determined to also see construction of a \$34 million plant that would provide a new water source for LaPlace.

The town now gets its drinking water from two aging wells located on a strip of land between Lake Maurepas and Lake Pontchartrain. One of the wells is more than four decades old, and flooding, aging pipes and swamp debris have caused frequent breaks for years along the 15-mile line to the town.

During Hurricane Isaac in 2012, the parish administration feared that contaminated floodwater could have seeped into local pipes, leading them to shut off water in LaPlace for several days.

For a permanent fix, Robottom wants a system that would draw LaPlace's water from the Mississippi River, but so far, parish officials haven't come up with the money for such a big project.

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EPA: Oklahoma property among nation's most contaminated

July 31, 2017

MIDWEST CITY, Okla. (AP) — The U.S. Environmental Protection Agency is proposing to add a property in central Oklahoma to the Superfund program's list of most contaminated sites.

The EPA announced Monday its intent to add Eagle Industries in the Oklahoma City suburb of Midwest City to the National Priorities List, which identifies sites that threaten the public health and environment. The Eagle Industries property was an inspection and repair facility for fire extinguisher systems used on aircrafts.

The EPA says that a 2003 inspection revealed improper disposal of a chemical, which contaminated the nearby groundwater.

Oklahoma Department of Environmental Quality Executive Director Scott Thompson says the state will work with the EPA to eliminate risks to the public health and clean up the site.

8/1/2017

EPA: Oklahoma property among nation's most contaminated - San Francisco Chronicle

Opinion / You are viewing a commentary from a contributor to The Oklahoman.

Citizens should welcome EPA changes

The Oklahoman Editorial Board • Published: August 1, 2017 12:00 AM CDT • Updated: August 1, 2017 12:00 AM CDT

ONE sign former Oklahoma Attorney General Scott Pruitt is making much-needed change as head of the Environmental Protection Agency is the level of hysteria he inspires from the radical left.

Consider a recent Rolling Stone article claiming Pruitt had “alienated” EPA bureaucrats by discussing “the importance of civility and how ‘regulators exist to give certainty to those that they regulate.’” Supposedly, this left EPA hacks routinely “crying at their desks.”

To most Americans, the rationales underlying Pruitt’s comments are self-evident. In the world of environmental extremism, they sent people into convulsive shock.

It’s welcome news the EPA is slowly being forced to live up to its mission and protect the environment in compliance with federal law. Too often in the past, the agency was more devoted to destroying businesses and often ignored genuine environmental challenges.

An example is Superfund, the federal program established in 1980 to clean up sites contaminated with hazardous substances. The EPA’s neglect of those sites is a decades-long scandal.


In a meeting with *The Oklahoman’s* editorial board, Pruitt noted one site near St. Louis includes uranium and has been on the Superfund list since 1990.

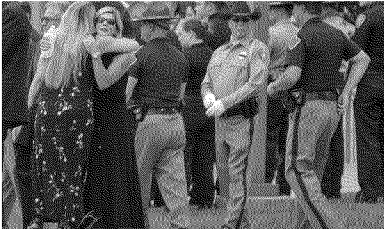
“Twenty-seven years later, as we’re sitting in Washington, D.C., the agency still has not made a decision on how to clean up the site,” he said. “Not remediate it. Not clean it up. Just decide do we excavate or do we cap?”

The great change at the EPA is that officials are being prodded to act — and to comply with federal law when doing so. Imagine that.


“We’re trying to do things and do things timely, do it within the statute, and actually really focus on rulemaking,” Pruitt said.

The agency is required by law to solicit comment during its rule-making process and respond to concerns raised by critics. Yet the EPA has seldom taken that requirement seriously. Agency officials have even invited activist lawsuits to generate out-of-court settlements that


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impose new regulations, evading legally required processes.

As Pruitt points out, the Obama administration's Clean Power Plan and Waters of the U.S. rules have been blocked by courts because the agency failed to follow federal law. That dysfunction is one reason the EPA's role in environmental improvement is often marginal, while the private sector independently does the heavy lifting.

When the United States opted out of the Kyoto climate agreement in 2001, environmentalists predicted apocalyptic doom. Yet the sky never fell.

“From the year 2000 to 2014, we reduced our carbon footprint by over 18 percent,” Pruitt said. “And we did it through hydraulic fracturing and horizontal drilling — conversion to natural gas. We’re at pre-1994 levels right now.”

Thanks to replacing coal with gas in generation of electricity, Pruitt noted, the United States is “leading the world” in reduction of greenhouse gas emissions.

Fringe groups have threatened to file endless lawsuits to block the reforms now underway. Pruitt isn't concerned. So long as the agency complies with federal law and meets all required timelines, “you mitigate most of the litigation that can occur.”

There's no reason environmental improvement, regulatory certainty and EPA compliance with the law cannot occur simultaneously. If achieving those goals leaves some bureaucrats beside themselves with disappointment, so be it.

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BY TIMOTHY CAMA - 07/31/17 07:30 PM EDT

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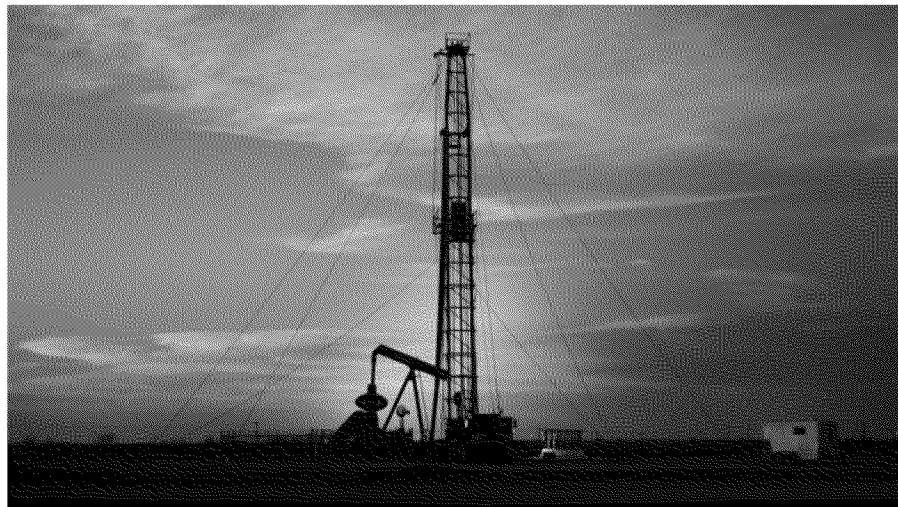
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A federal court told the Environmental Protection Agency (EPA) Monday that it has to enforce an Obama administration methane pollution rule.

The order from Court of Appeals for the District of Columbia Circuit came after the judges gave the agency a two-week reprieve from its ruling earlier in July that the EPA broke the law when it tried to delay enforcement earlier.

Despite the reprieve, the Trump administration has not asked for the entire 11-judge court to rehear its case, the standard next step for appealing a ruling for a three-judge panel.

But industry groups and conservative states opposed to the regulation did ask for the full-court repeal, so the judges will consider their request in the coming weeks.

The rule sets standards for the oil and natural gas drilling industry that aim to reduce emissions of methane, a potent greenhouse gas and the main component of natural gas.

It was a major part of former President Barack Obama's second-term climate change agenda.

The D.C. Circuit Court ruled in early July that the Trump administration overstepped its authority under the Clean Air Act when it tried to unilaterally delay the rule while it works to repeal it.

8/1/2017

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The EPA is also working through the regulatory process to delay the regulation for an additional two years. It is gathering public comment until Aug. 9 and could make the delay final after that.

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Environmental groups sue government over vehicle emissions



Originally published July 31, 2017 at 5:14 pm

By The Associated Press

The Associated Press

NEW YORK (AP) — Environmental groups that say they're seeking to restore clean air standards for vehicles on the nation's highways have sued the federal government in New York.

The Natural Resources Defense Council, the U.S. Public Interest Research Group and Clean Air Carolina sued the Department of Transportation and the Federal Highway Administration on Monday, saying a federal safeguard meant to reduce climate-changing emissions was abruptly withdrawn in May.

The lawsuit says the Federal Highway Administration suspended a safeguard requiring states to measure and set reduction targets for greenhouse gas emissions by highway vehicles.

The groups have asked a judge to declare the suspension violated federal law because it was imposed without providing public notice and soliciting public comment.

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A message seeking comment from the Federal Highway Administration hasn't been returned.

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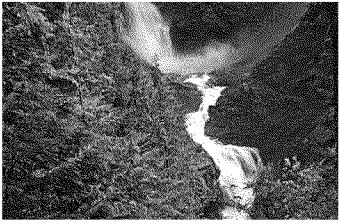
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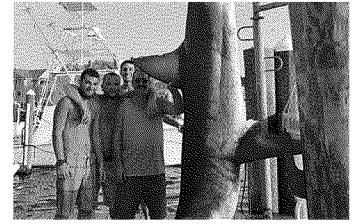
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Environmental groups sue government over vehicle emissions | The Seattle Times

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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

Voluntary nutrient pollution cuts are failing to shrink algae blooms, dead zones: Opinion

Comment Updated on August 1, 2017 at 9:53 AM
Posted on August 1, 2017 at 9:52 AM

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By The Associated Press

Summer is the season for harmful algae blooms in many U.S. lakes and bays. They occur when water bodies become overloaded with nitrogen and phosphorus from farms, water treatment plants and other sources. Warm water and lots of nutrients promote rapid growth of algae that can be toxic and potentially fatal to aquatic life and people.

Eventually algae settle to the bottom and decay, depleting dissolved oxygen in the water, creating hypoxia - "dead zones" where oxygen levels are low enough to kill fish.

As a senior scientist at the National Oceanographic and Atmospheric Administration between 1975 and 2003, I developed annual hypoxia forecasts for the Chesapeake Bay and the Gulf of Mexico - two of our nation's water bodies most harmed by these blooms. At the University of Michigan, I helped develop harmful algae bloom forecasts for Lake Erie and continue to work with public and private organizations on these issues.

States around Lake Erie and in the Mississippi River basin, which drains to the Gulf of Mexico, have been trying to reduce nutrient pollution for years. They rely primarily on voluntary steps, such as offering grants to farmers to take steps to prevent fertilizer from washing off their fields.

In contrast, states around the Chesapeake have had more success with a federally enforced plan that can impose mandatory actions across the bay's 64,000-square-mile watershed. From my perspective, when we compare these two approaches it is clear that voluntary measures are not even making modest dents in nutrient pollution.

This year's forecasts

This year's Lake Erie harmful algae bloom forecast has a severity index of 7.5 on a scale of 1 to 10. This is comparable to the three largest blooms since 2011, including one that made the city of Toledo's tap water unusable for three days in 2014. The algae produced microcystin - a toxin that can produce effects from mild skin rashes to serious illness or death.

The Gulf of Mexico forecast predicts an 8,185-square-mile dead zone - more than four times the goal set by an intergovernmental task force. This will be the third-largest Gulf of Mexico dead zone since measurements began 32 years ago.

The Chesapeake forecast predicts a 1.9-cubic-mile hypoxic region - nearly the volume of 3.2 million Olympic-size swimming pools. This is much larger than goals reflected in recent policies.

Nonetheless, at least the Chesapeake is moving in the right direction. The amount of nutrients flowing into the bay is starting to decline.

The long quest to clean up Lake Erie

Lake Erie first suffered from heavy nutrient pollution in the 1960s. The Clean Water Act of 1972 triggered a remarkable cleanup. Nutrients, primarily from point (discreet) sources like sewage treatment plants, were cut in half, and the lake responded quickly.

But harmful algae blooms and hypoxia resurfaced in the mid-1990s, probably because flows into the lake of a form of phosphorus that is readily used by algae tripled. The dead zone set a new record in 2012, and harmful algae blooms set records in 2011 and 2015. Even if blooms do not become toxic, they can have devastating effects. For example, the 2011 harmful algae blooms on Lake Erie cost the region nearly US\$71 million in diminished property values, water treatment, and lost tourism revenues and recreational opportunities.

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In response, the United States and Canada negotiated new phosphorus loading targets that call for a 40 percent reduction from 2008 levels. Ontario, Ohio, Michigan, Indiana, Pennsylvania and New York are developing domestic action plans to meet those targets.

Now however, 71 percent of nutrients entering Lake Erie are from non-point sources - mainly from agriculture. Non-point source pollution comes from diffuse sources, such as fertilizer washing off of farms and lawns, so it is harder to control.

The United States contributes over 80 percent of Lake Erie's total phosphorus load. In sum, major load reductions will have to come from agriculture, mostly from U.S. farms.

How effective are voluntary measures? Governments generally are averse to imposing environmental regulations on farmland. As a result, most action plans for Lake Erie rely on voluntary, incentive-based programs to address nutrient loss from agricultural lands.

But in the Mississippi River basin this approach has failed. In spite of more than 30 years of research and monitoring, over 15 years of assessments and goal-setting, and over US\$30 billion in federal conservation funding since 1995, average nitrogen levels in the Mississippi have not declined since the 1980s.

The task force leading this effort recently extended the deadline for its goal of a 1,930-square-mile dead zone from 2015 to 2035. Today the dead zone is more than triple that size. Our newly published modeling shows that it would take a 59 percent reduction in the amount of nitrogen entering the Gulf of Mexico to reach the task force's goal.

The Chesapeake Bay's pollution diet

States around the Chesapeake Bay also struggled for decades to make voluntary, incentive-based approaches work. Their efforts were overwhelmed by the impacts of population growth and agricultural production.

Frustrated by worsening conditions, the states asked EPA in 2010 to establish a total maximum daily load - a "pollution diet" within a regulatory framework under the Clean Water Act that limits the amount of nutrients and sediment that can enter the bay. Bay states and the District of Columbia then developed implementation plans and management strategies detailing how and when each jurisdiction would meet its individual goals.

Unlike voluntary strategies, this approach has teeth. If states miss interim milestones for reducing pollutants, EPA can impose "backstop measures," such as requiring additional reductions from point sources and withholding federal grant money.

Agricultural groups, supported by 21 states outside the Chesapeake watershed, challenged the total maximum daily load in court but lost. Between 2009 and 2015, loads of nitrogen, phosphorus and sediment in the bay dropped by 8 percent, 20 percent and 7 percent, respectively. Underwater grasses and the bay's iconic blue crabs are starting to recover.

No diet for Lake Erie

Environmental groups recently sued EPA to force stronger action on nutrient pollution in Lake Erie's western basin, with support from several members of Congress and the International Joint Commission, which coordinates efforts by the United States and Canada. But EPA will apparently write a total maximum daily load only if both Michigan and Ohio, the two key states in the western basin watershed, agree. (EPA Administrator Scott Pruitt endorsed the Chesapeake Bay total maximum daily load only because all six states in the bay's watershed supported it.)

Michigan recently declared its portion of Lake Erie "impaired," which is required to trigger a total maximum daily load. But Ohio declared only some of its shorelines impaired, and EPA concurred. So prospects for a recovery are slim.

EPA's web page calls nutrient pollution one of America's "most widespread, costly and challenging environmental problems." But voluntary action is not solving it. And President Trump's EPA budget request would cut \$165 million in grants to states to deal with non-point source pollution.

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As I have detailed before, taming nutrient pollution will require a broad national approach that includes steps such as modifying the American diet, changing agricultural supply chains and reducing production of corn-based ethanol. We also need to find the will to set legally binding limits when voluntary steps aren't enough.


This article by University of Michigan environmental engineering professor Donald Scavia was written for The Conversation, an independent and nonprofit source of news, analysis and commentary from academic experts. Read the original article here: <http://theconversation.com/nutrient-pollution-voluntary-steps-are-failing-to-shrink-algae-blooms-and-dead-zones-81249>.

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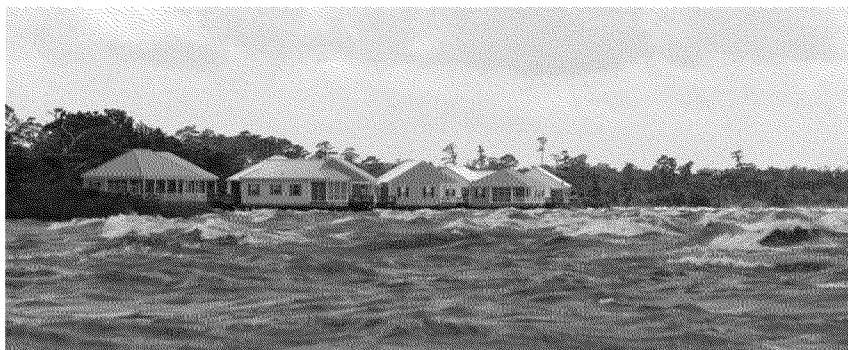
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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

Money sought to extend 9,000-foot rock jetty in Lake Pontchartrain: report

Comment Updated on August 1, 2017 at 9:44 AM
Posted on August 1, 2017 at 9:40 AM



Fontainebleau State Park cabin along Lake Pontchartrain with a rising tide, strong southerly winds from Tropical Storm Cindy lash the Mandeville lakefront Thursday, June 22, 2017. (Photo by David Grunfeld, NOLA.com | The Times-Picayune)

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By Sara Sneath
NOLA.com | The Times-Picayune

Tangipahoa Parish officials say a 9,000 foot rock jetty along the shoreline of Lake Pontchartrain is rebuilding coastal marsh. Happy with the results, officials want to extend the jetty by 5,500 feet, the Hammond Daily Star reported.

The parish will seek \$3 to \$4 million from the state's Coastal Protection and Restoration Authority for the project. The parish plans to contribute \$400,000 of its own funds toward extending the jetty.

While Tangipahoa Parish is expected to experience minimal wetland loss over the next 50 years, flood risk has become a growing concern for the southern portion of the parish, along the North Shore of Lake Pontchartrain, according to the state's coastal master plan.

- Read the Hammond Daily Star's full story.

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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

Earth set to warm 2 degrees Celsius by end of century, studies say

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Updated on July 31, 2017 at 11:43 PM

Posted on July 31, 2017 at 11:42 PM



A boy, center, is silhouetted as he touches an electronic globe displayed at an underground passage at the Marunouchi business district in Tokyo Thursday, July 27, 2017. (AP Photo/Shizuo Kambayashi)

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By Amari Pollard, apollard@syracuse.com,
syracuse.com

The earth's temperature could rise to more than 2 degrees Celsius, or 3.6 degrees Fahrenheit by the end of the century.

CNN reports that two different studies in the journal, Nature Climate Change, came to the conclusion on the rise in global temperature using two completely different methods.

The first study showed that there is a 95 percent chance the Earth will warm more than 2 degrees and a 1 percent chance that it will be at or below 2 degrees. The second study looked at past emissions of greenhouse gases and the burning of fossil fuels, showing that earth will continue to heat up around two more degrees by 2100 -- even if humans were to abruptly stop burning fossil fuels.

"Our analysis shows that the goal of 2 degrees is very much a best-case scenario," said lead author of the first study Adrian Raftery, a professor of statistics and sociology at the University of Washington, in a statement. "It is achievable, but only with major, sustained effort on all fronts over the next 80 years."

According to Newsweek, researchers say if a 2 degrees or higher temperature rise occurs, damages from heat extremes, drought, extreme weather and rising sea levels will be much worse.

In June, President Trump pulled out of the Paris climate agreement, which is committed to holding the average global temperature to "well below 2C." Its aspirational goals is to limit warming to 1.5 degrees Celsius.

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Judge denies ExxonMobil request to reduce \$20 million air pollution fine

U.S. District Judge David Hittner slapped the the energy giant with a \$19.95 million penalty in April for spewing millions of pounds of hazardous pollutants from a Houston-area industrial complex.

BY KIAH COLLIER JULY 31, 2017 15 HOURS AGO

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ExxonMobil refinery in Baytown, Texas.
☐ Dave Fehling NPR StateImpact / KUHF Houston Public Radio

A federal judge on Monday declined ExxonMobil's request to reconsider a \$20 million fine he ordered the energy giant to pay earlier this year for spewing millions of pounds of unauthorized air pollution from Houston-area industrial facilities.

8/1/2017

Judge denies ExxonMobil request to reduce \$20 million air pollution fine | The Texas Tribune

In April, U.S. District Judge David Hittner said the the company should pay \$19.95 million for repeatedly busting air pollution limits at its sprawling Baytown complex. From 2005 to 2013, the company's refinery and chemical plants released 10 million pounds of pollution in excess of its state-issued air permits, according to the ruling.

Hittner's decision came after the conservative-leaning 5th Circuit Court of Appeals vacated his earlier decision that sided with Exxon.

In May, Exxon asked Hittner to revisit various facets of his ruling used to calculate the fine amount, including how much money the company saved by delaying repairs that would've prevented the excess air emissions in the first place. The company also argued that it had presented sufficient evidence to show that emissions were unavoidable.

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Under state law, industrial facilities can avoid fines if they prove that they did everything they could to prevent emissions during malfunctions or other unplanned events. A recent Texas Tribune investigation found that thousands of such rogue releases occur every year in Texas.

But Hittner summarily denied all of the company's points, citing counterarguments of the plaintiffs in the case: the Sierra Club and Environment Texas.

"Reconsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly," Hittner wrote in the nine-page ruling, citing a previous court decision.

Exxon said it will appeal the decision.

"ExxonMobil's full compliance history and good faith efforts to comply weigh against assessing any penalty," the company said in a written statement. "The court has recognized that none of the events in question actually or potentially harmed public health or the environment."

The Sierra Club and Environment Texas sued Exxon in 2010 under a provision in the federal Clean Air Act that allows citizens to sue amid inaction by state and federal environmental regulators. (The Texas Commission on Environmental Quality rarely penalizes companies for unauthorized air emissions, the Tribune investigation found.)

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“It is long past time for Exxon to end its legal machinations and delaying tactics, and finally accept responsibility for its actions,” the groups said in a joint statement, which noted that the penalty is the largest ever assessed by the courts in a citizen suit.

Disclosure: The Exxon Mobil Corporation has been a financial supporter of The Texas Tribune. A complete list of Tribune donors and sponsors is available [here](#).

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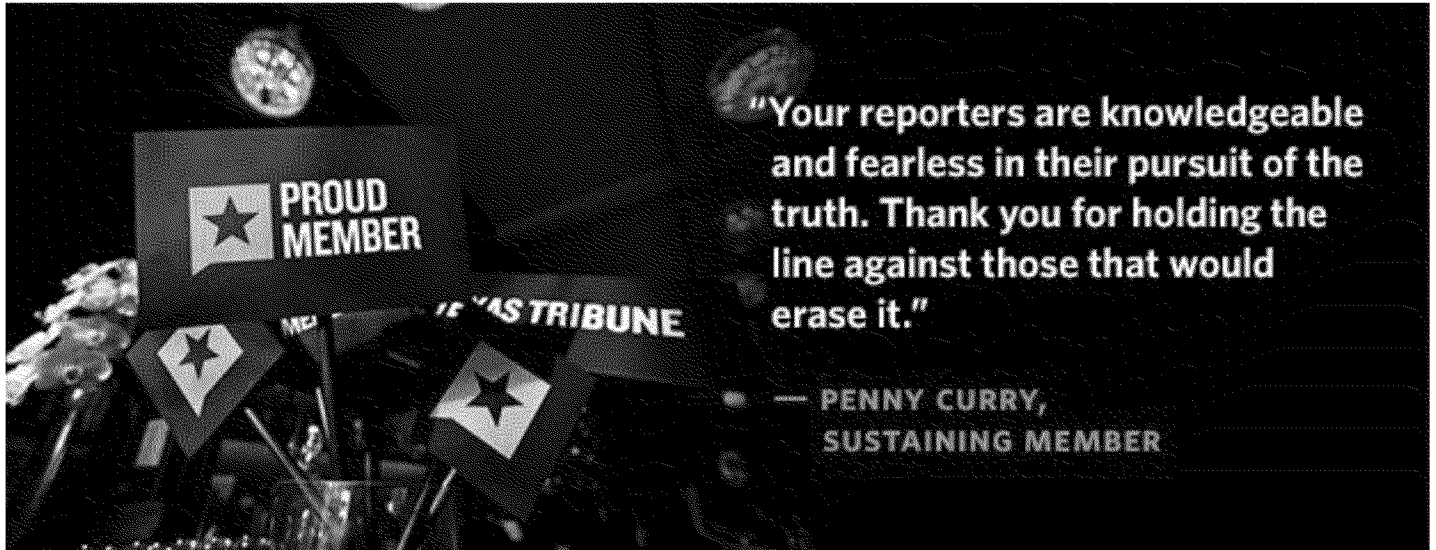
- Environment Texas described the fine against the world's largest oil company as the “largest penalty resulting from a citizen suit in U.S. history.” [\[Full story\]](#)
- Alleging that Texas has dramatically eroded its safeguards against air and water pollution, two environmental groups are asking the federal government to step in. [\[Full story\]](#)

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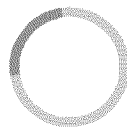
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THE LEADER IN ENERGY AND ENVIRONMENT NEWS

AIR POLLUTION

Court allows EPA 2-month freeze in Ark. haze suit

Sean Reilly, E&E News reporter

Published: Monday, July 31, 2017

A federal appellate court has granted U.S. EPA's request for a two-month hold on litigation surrounding a haze reduction plan for Arkansas, but with a warning that it will not look favorably on future delays.

The 8th U.S. Circuit Court of Appeals issued the two-sentence [ruling](#) this morning, a week after EPA — allied with power producers and Arkansas Attorney General Leslie Rutledge (R) — sought the freeze in hopes of letting settlement talks advance ([Greenwire](#), July 25). The bid was opposed by the National Parks Conservation Association and the Sierra Club, which unsuccessfully argued to let the package of consolidated lawsuits proceed in tandem with the talks.

In today's ruling, the court agreed to hold the litigation in abeyance until Sept. 26.

The regional haze rule, published last September in the final months of the Obama administration, is intended to cut yearly emissions from coal-fired power plants owned by Entergy Corp. and other Arkansas electricity producers by tens of thousands of tons, with a goal of improving visibility in national wilderness areas and a wildlife refuge in Arkansas and Missouri.

But Rutledge has argued that the required pollution controls could jeopardize the reliability of the state's electric grid, while Entergy contends that its share of the expense could add up to more than \$2 billion.

Under the Trump administration, EPA recently proposed giving three power plants covered by the plan an 18-month extension on meeting requirements to reduce emissions of nitrogen oxides. At the agency's request, the 8th Circuit had first frozen legal proceedings in the litigation in March; the Arkansas Department of Environmental Quality is also drafting its own plan as a partial replacement for last year's federal rule.

EPA's broader regional haze program, dating back to 1999 in its current form, has a goal of restoring natural views to 156 national parks and wilderness areas by 2064.

Under current EPA chief Scott Pruitt, a critic of the Obama administration's approach, the agency has also won a court-approved stay on lawsuits over a Wyoming regional haze plan to allow a partial settlement to take effect ([Greenwire](#), June 20). This month, EPA officials also sought to freeze legal proceedings over yet another plan affecting two PacifiCorp power plants in Utah, to give them time to administratively reconsider the plan's requirements ([Greenwire](#), July 19).

That motion is pending before the 10th U.S. Circuit Court of Appeals. PacifiCorp and most other parties in the litigation filed their responses to the motion last week; the reply from a coalition of public health and environmental groups is due by this Friday.

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EPA proposes adding old timber treatment site near DeRidder to Superfund list

BY STEVE HARDY | SHARDY@THEADVOCATE.COM JUL 31, 2017 - 10:25 AM

Steve Hardy

Louisiana may soon have a new Superfund site.

Superfund locations are areas that are so contaminated they require federal intervention to clean up. Louisiana currently has 27 such sites, including Devil's Swamp in East Baton Rouge, which is contaminated with Polychlorinated Biphenyls.

Story Continued Below



Sierra Club calls for action on long-polluted Devil's Swamp in north Baton Rouge

The U.S. Environmental Protection Agency on Monday proposed adding a site near DeRidder in Beauregard Parish to the Superfund list. The area was once used to treat timber with creosote preservatives.

Creosote, which is also used as a pesticide, has been linked to skin blistering, eye burning, stomach pains, and damage to the liver and kidneys, according to the federal Agency for Toxic Substances and Disease Registry.

8/1/2017

EPA proposes adding old timber treatment site near DeRidder to Superfund list | Environment | theadvocate.com

"Louisiana Department of Environmental Quality is extremely happy to partner with EPA as sites are added to the NPL for cleanup. The site in Deridder is just one of many that need immediate attention," Louisiana Department of Environmental Quality Secretary Chuck Carr Brown said in a statement.

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Why some are worried Baton Rouge's post-flood rebuilding process will come back to haunt city-parish

BY STEVE HARDY | SHARDY@THEADVOCATE.COM JUL 31, 2017 - 5:44 PM



Aerials of severe weather flooding in East Baton Rouge Parish on Monday August 15, 2016. A National Guard vehicle turns west on Prescott Avenue off North Foster Drive. Looking south southeast.

Advocate staff photo by BILL FEIG

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Steve Hardy

As reconstruction began after the August floods, one of the most pressing tasks was determining which property owners, under federal flood insurance program rules, would have to elevate damaged homes.

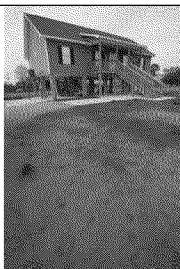
After the flood, FEMA quickly sent in assessment teams that estimated the number of homes "substantially damaged." In Baton Rouge and the unincorporated parts of the parish, FEMA counted approximately 3,250 such properties.

Those estimates weren't binding, meant only to guide local authorities, who make the final determination.

Story Continued Below

Now, a year after the flood, the official city-parish count stands at 187 homes that must be raised or rebuilt higher.

There are reasons why a FEMA-aggrieved home may not end up being labeled substantially damaged by local governments. For example, while FEMA contractors focus their inspections on high-risk areas, they don't check if individual homes are already in compliance. Some houses always get knocked off the list if they're already elevated high enough.



Assessing elevation: Not many Baton Rouge homes required to be raised so far

Nevertheless, the low count by the city-parish — along with the corresponding small numbers in indicators like home elevations — has raised eyebrows.

"All you have to do is look at the numbers and see that something is askew," said Rod Scott, a Louisiana-based contractor and consultant for the International Association of Structural Movers.

The city-parish decided early on to intertwine its substantial damage inspections with its construction permitting process. Some have questioned the wisdom of that and worry problems in the post-flood rebuilding process will come back to haunt the city-parish in the form of safety issues and federal sanctions.

Running damage inspections through the permitting process is not ideal because when people realize they may have to jump through extra hoops to get back into their flooded homes, they might try to slip under the radar, said Tim Trautman, a Charlotte, North Carolina engineer and local floodplain manager of the year for the Association of State Floodplain Managers.

"You're essentially incentivizing people not to get a permit," he said.

And in East Baton Rouge — excluding Baker, Zachary and Central, which have their own procedures for post-flood rebuilding — those permits trigger the substantial damage inspection process.



Move, demolish or elevate? Substantial damage findings leave many grappling with how to proceed

People must get the appropriate permit if their repair work hits any of several benchmarks. They need a remodeling permit if they replace more than one entire wall of drywall, and need a separate electrical permit if the water rose above the meter or lowest socket. Other permits are required for changing water heaters and air conditioning units or doing work that touches gas or sewer lines.

At last count, 35,126 homes flooded in the city of Baton Rouge and unincorporated areas of the parish.

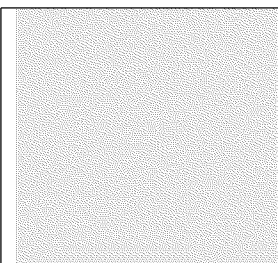
8/1/2017 Why some are worried Baton Rouge's post-flood rebuilding process will come back to haunt city-parish | Environment | theadvocate.com

About 14,000 flood-related permits have been issued — which mainly breaks down to about 9,400 residential remodeling permits, 3,300 electrical permits and 1,000 commercial remodeling permits, according to the city-parish website. The fact that the total includes electrical and other permits makes it difficult to tell how many individual structures were involved, since one home could have multiple permits.

Getting one of those permits tagged a home for a substantial damage review by the city-parish.

Under FEMA rules, a house is considered substantially damaged if it is in a high-risk flood zone, took damage equal to at least half its value and is not already compliant with elevation standards. Homes that are substantially damaged must be elevated or knocked down and built higher to protect them from future floods.

City-parish Development Director Carey Chauvin said permit applications "were evaluated in some format for percentage of damage," though he did not specify the formats. Chauvin said the inspections division created a special flood permit application that property owners filled out. Information from that application and other sources was used in determining whether a house was "substantially damaged."



Experts: Officials not helping property owners by lowering building standards after floods

Metro Councilman Buddy Amoroso said there was general confusion on permits from the beginning. First, officials told the Metro Council that unless people were ripping out an entire wall's worth of drywall, they wouldn't need a permit. So that's the message they took back to their districts, where homeowners were frantically trying to put their houses in order, he said. But then the directive changed, and homes that took on 3 feet of water would need to be inspected for an electrical permit, Amoroso recalled.

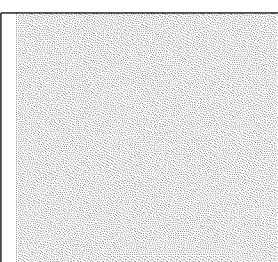
"The process is broken. They have to do a better job getting these permits out," Amoroso said.

Capital Region Builders Association Chairwoman Carol Smith said that as she understood it, the city-parish didn't require a permit unless the structure of a building was being changed. For example, permits weren't required for people just pulling out drywall, doors or soggy cabinets. And while electrical permits were recommended in homes where wiring may have been damaged, that wasn't enforced, Smith said.

Councilman Matt Watson is worried about the inherent safety problems with non-permitted work, especially by unlicensed repairmen who may not know how to handle the aluminum-coated wiring in old Baton Rouge homes or properly clean electrical equipment exposed to floodwater.

"I am all for holding feet to the fire," he said.

Chauvin said building standards were no different after the flood than before. He said he knows people are doing off-the-books construction, but noted his office covers a huge and populous geographic area, and he doesn't have the staff to make house calls to everyone in the community like authorities did in Denham Springs or Central.



Some East Baton Rouge homeowners will need to raze or raise their home

"We've had conversations with FEMA. It is not their expectation that we go knock on doors," Chauvin said.

It's still the responsibility of the homeowner to get required permits, he emphasized.

Following substantial damage rules is an essential requirement for communities that participate in the federal program that allows people to purchase flood insurance. Property owners in Baton Rouge qualify for flood insurance because the city-parish complies with federal floodplain management standards.

In the coming months, FEMA will conduct an audit to determine adherence to those standards. The agency has the ability to assess fines on policies—or in rare circumstances revoke coverage—if a locality doesn't hold up its end.

Mayor-President Sharon Weston Broome has met with FEMA officials, and no issues have been brought to the city-parish's attention, Assistant Chief Administrative Officer Rowdy Gaudet said.

Trautman, the North Carolina stormwater engineer, said when FEMA does its audit, it will probably check on properties that were flagged by FEMA but not deemed substantially damaged by the city-parish.

The agency performs periodic audits of localities and can put them on probation if they find deficiencies in their procedures, during which time all policyholders have to pay an extra \$50 fee on their premiums.

Though it is rare, a locality that does not adequately address the issues after a period of time can be suspended, meaning no one can buy National Flood Insurance Program insurance and the local government cannot receive federal disaster aid.

About 20 years ago that happened in Lauderdale County, Mississippi, where the city of Meridian is located, said county consulting engineer Terrell Temple.

The community had a floodplain ordinance but no real permitting office, so there wasn't paperwork to back up whether new houses were being built in the floodplain, and if they were, whether they met elevation standards, Temple said.



Congress urged to find ways to move families 'trapped' in homes that flood repeatedly

FEMA yanked the county's insurance while it spent a few months investigating. It turned out there were about 25 to 30 houses that needed to be checked, and all were built to the correct elevation.

"It was more a matter of documentation than anything else," Temple said.

FEMA spokeswoman Stephanie Moffett said that after any catastrophic flood, local governments might not have the capacity to enforce codes, so the agency offers assistance. That occurred after the August flood, she noted.

FEMA and the state government are still offering technical assistance and "intend to continue to monitor compliance," she said.

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PSO wants quick approval from Oklahoma regulators on \$4.5 billion wind, transmission project



by Paul Monies • Published: August 1, 2017 5:00 AM CDT • Updated: August 1, 2017 5:00 AM CDT



Wind turbine blades stand out against the sky at a wind farm on Thursday, Nov. 10, 2016 in Rush Springs, Okla. Photo by Steve Sisney, The Oklahoman

A \$4.5 billion wind farm and transmission line announced last week by Public Service Co. of Oklahoma and a sister utility needs a quick answer from Oklahoma regulators so the project can fully qualify for federal tax credits for renewable energy.

The Tulsa-based electric utility filed an application Monday asking for preapproval to recover PSO's share of costs from the Wind

Catcher project in the Oklahoma Panhandle when it goes in service by the end of 2020. PSO wants a decision from the Oklahoma Corporation Commission by March 31, 2018.

"The project is located in a high-quality wind area and is projected to be eligible to receive 100 percent production tax credits (PTCs) under federal law," Steve Fate, PSO's vice president of regulatory and finance, in a regulatory filing. "It will produce a savings for PSO customers in each year of the project with approximately \$996 million net present value of savings as compared to purchasing PSO's energy needs from the market."

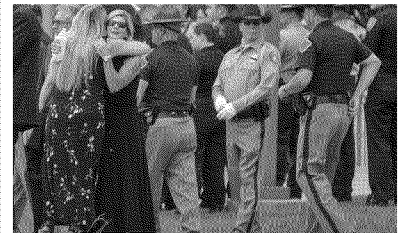
Those savings come from comparing the Wind Catcher project to a similar amount of generation expected to be available in the market. In the first three years, savings are estimated at \$108 million, PSO said.

Federal production tax credits for wind are a key component of the project's financing, said Nick Akins, chairman and CEO of American Electric Power Co. Inc., PSO's parent company.

The federal incentive is set to phase down annually to 40 percent of its value before ending Dec. 31, 2019. Projects that started construction in 2016 qualify at the full, 2.3 cents per kilowatt hour credit. The incentive is worth 1.84 cents per kilowatt hour for projects that start construction this year. The credit lasts for 10 years.

Those fractions of pennies add up for large wind farms. The Wind Catcher project in Texas and Cimarron counties will have 800 GE turbines and a total capacity of 2,000 megawatts.

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PSO will get about 30 percent of the electricity, while the rest will go to Southwestern Electric Power Co., a sister utility with 530,000 customers in Texas, Louisiana and Arkansas.

"The sense of urgency around getting approvals for this thing is centered on the federal government basically giving a 62 percent-, 63 percent-off sale with the PTCs, and to take full advantage of the PTCs, that's \$2.5 billion alone," Akins said last week in a conference call with analysts.

The wind farm won't be eligible for Oklahoma's zero-emissions tax credit, which ended July 1 for new wind projects. The state's 0.5 cents per kilowatt hour credit can be carried forward up to 10 years. It is refundable for cash at 85 percent of its value, but lawmakers ended it because of its rapid growth.

PSO's share of the \$2.9 billion Wind Catcher facility is estimated at \$871 million. The utility will sell its share of renewable energy credits and pass the proceeds on to customers through the fuel-adjustment clause.

Chicago-based Invenergy started some construction of the Wind Catcher project last year. At completion, it is expected to be able to generate electricity up to half the time. That 51 percent capacity factor "compares very favorably to regional wind generation resources," said PSO spokesman Stan Whiteford.

"The project will lock in approximately 8.7 million low-cost MWh (megawatt hours) per year for 25 years," Paul Chodak, AEP's executive vice president of utilities, said in PSO testimony filed Monday. "It will lower our customers' overall rates from day one while also hedging against increases in future fuel and power costs."


The wind farm will be connected to a PSO substation in north Tulsa by a 765-kilovolt generation tie line. It will function like a giant extension cord, bringing the electricity directly from the Panhandle to PSO and on to SWEPCO. The 350-mile line will leapfrog some of the grid congestion issues in northwest Oklahoma exacerbated by the growth of wind generation in the western part of the state.

"While some of the best wind resources in the nation are located in the Oklahoma Panhandle, the region lacks sufficient transmission capacity to deliver that energy to major load centers," Fate said in testimony filed Monday.

The generation tie line part of the project is expected to cost \$1.6 billion, with PSO's share representing \$487 million.

Separately from the Wind Catcher project, PSO said it is in contract negotiations for 100 megawatts of wind capacity that is expected to be in operation by the end of 2018. That project came out of a request for proposal the utility issued in September.

PSO has 547,000 electric customers in eastern and southwestern Oklahoma.



Paul Monies

Paul Monies is an energy reporter for The Oklahoman. He has worked at newspapers in Texas and Missouri and most recently was a data journalist for... [read more >](#)

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Residents sue Formosa for polluting bays



July 31, 2017 at 10:21 p.m.

Updated Aug. 1, 2017 at 6 a.m.



White lentil-sized plastic pellets can be seen floating in Cox's Creek in 2016 just across the road from Formosa's gates. Advocate file photo for The Victoria Advocate

Residents sued Formosa on Monday to force it to comply with the Clean Water Act.

They say Formosa is discharging plastic into waterways and it has been found in fish guts.

Bob Lindsey, one of the residents who brought the lawsuit, said some of the plastic resembles fish eggs.

He said anglers do not typically cut open their catch when cleaning it, so people might consume the plastic without knowing it.

"There's no doubt in my mind that it is certainly not good for the environment or the people who eat the fish," Lindsey said. "Enough is enough."

As of Monday afternoon, Formosa had not been served with the lawsuit, which asks a judge to fine the company \$57.45 million.

That money would go to the federal government.

Although both the Environmental Protection Agency and the Texas Commission on Environmental Quality have investigated

- complaints about Formosa discharging plastic for more than a decade, neither agency has fined the company or its parent company, which is worth billions.

Because of that, residents are able to bring suit on their own.

Residents v. Formosa re plastic by Victoria Advocate on Scribd



The residents say they've collected more than 1,600 samples of plastic from the shorelines of Lavaca and Matagorda bays as well as Cox Creek and surrounding wetlands and beaches.

Earlier this year, after the TCEQ's latest plastic investigation, Formosa said employees would vacuum it up every month or whenever it rained.

Diane Wilson, one the plaintiffs, said the problem is persistent and a vacuum would have little effect.

The Advocate asked Formosa spokesman Bill Harvey whether employees were still vacuuming or whether Formosa had taken additional steps, such as changing the way its stormwater or wastewater outfalls are laid out. The company had earlier suspected that was how the plastic was leaving the plant. Harvey did not respond by deadline.

The plaintiffs are part of the San Antonio Bay Estuarine Waterkeeper, an unincorporated association that monitors Lavaca, Matagorda and San Antonio bays and reports its findings to authorities. It was started in 2012 as a project of the Calhoun County Research Watch, a 501(c)(3) nonprofit founded in 1989. Texas Rio Grande Legal Aid's Erin Gaines represents them.

Gaines said studies have shown low-income communities bear the brunt of pollution from industry. She said this lawsuit is a last resort and similar suits have gotten results for residents when regulatory agencies fail to do so.

For example, in April, a federal judge ordered ExxonMobil to pay \$20 million after he found it had violated the Clean Air Act at its plant about 25 miles east of Houston, according to [the Texas Tribune](#).

Lindsey returned to Seadrift four years ago after living abroad for decades. When he was a kid, Formosa wasn't his neighbor, and one of the main industries in the area was shrimping. Now, that industry is almost nonexistent.

"That's not completely due to pollution, but it's part of it," he said. "Now there are areas of Lavaca Bay that are restricted from fishing. It's a gradual change that's taken place over such a period that many people don't quite realize how significant it has been. As generations change, they see that as the new normal."

Lindsey said he hopes the lawsuit will change that and allow residents to get back to using the bays as Mother Nature intended.

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